

22.05.2025
(D/L-9)
Ct. No.4
(B.K.N.)

W.P.C.T. 100 of 2025
Arbind Kumar Singh
Vs.
Union of India & Ors.

Mr. S. P. Dalapati,
Mr. Pritam Choudhury,
Mr. Asumdipta Santra

...for the Petitioner

Mr. Pramod Kr. Drolia,
Mr. Santosh Kr. Pandey

...for the U.O.I./ Respondent Nos.
1, 2, 4 & 5

Mr. Arun Kanti Chattopadhyay,
...for the U.P.S.C./Respondent
No. 3

1. Heard learned counsel for the petitioner and the learned counsel for the respondents.
2. The petitioner was proceeded against. An order of punishment dated 14.11.2013 was passed by the Chief Forensic Scientist in the Directorate of Forensic Science Service, Government of India. The petitioner assailed the order of punishment before the Tribunal. The O.A. No. 731 of 2014 filed by the petitioner was dismissed. The ground of assailing the punishment order before the Tribunal was that since the punishment order has been passed by the Appellate Authority, the petitioner has been deprived of his right to appeal and, therefore, the entire proceedings were vitiated. Such ground did not find favour to the Tribunal and the application was dismissed. The petitioner assailed the Tribunal's order dated 24.09.2019 by filing a writ petition. W.P.C.T 3 of 2022

filed by the petitioner was also dismissed. The petitioner thereafter has approached the Tribunal again by filing an O.A. No. 1180 of 2021.

3. It is submitted by the learned counsel representing the petitioner that the petitioner confined himself to the issue of quantum of punishment as according to him the punishment of dismissal from service is disproportionate to the gravity of the charges proved in the departmental proceedings.
4. This issue is seriously disputed by the learned counsel representing the Union of India as well as the UPSC. They submit that there were altogether eight charges which warranted the punishment of dismissal.
5. Though the rival submissions are taken note of we observe that this issue has not been considered or decided by the Tribunal. We also do not propose to enter into the merits of the submissions. We however have put the query to the learned counsel for the petitioner as to how the second Original Application was maintainable when the Original Application assailing the dismissal order was not entertained by the Tribunal, wherein the issue of the punishment being excessive and disproportionate, though available, was not raised.
6. The learned counsel for the petitioner draws attention of the Court towards the order passed in the writ

proceedings (W.P.C.T. 3 of 2022). He submits that writ petition was dismissed but with liberty to the petitioner, which has been expressed in the following terms in the order dated 14.02.2020 passed therein:

“We pity the petitioner, who had to suffer an order of dismissal on the verge of his retirement from service but interference by the tribunal/court would be warranted if an appropriate case therefor is set up.”

7. Availing such liberty the petitioner has approached the Tribunal and, therefore, it was incumbent upon the Tribunal to examine the issue regarding whether or not the punishment was disproportionate to the gravity of the charges proved against the petitioner in the proceedings.
8. In view of the petitioner’s reliance placed on the order of the Coordinate Bench, extracted above, we consider it appropriate that the matter be remanded to the Tribunal for limited consideration insofar as the quantum of punishment is concerned. In order to facilitate consideration on this point by the Tribunal the order passed in O.A. No. 1180 of 2021 on 20.03.2025 is hereby set aside.
9. The writ petition is allowed in these terms.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)